	Case	1.05-64-00
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ge: Report D.	08/30/2002	Agency:	New Castle	e County PD				Complaint:	32-02-086999		
orted Date and Time 21 08/30/2002 10	021		Initia	l Crime Repor	rt		Occurred: FRI 01	3/30/2002	1013		
tion: 20 COACHMA		PARK	Wilmingt	on, DE 19803							
and Incident Overview	WAN WF 1 F	ELL INT	D A POO	L AND NEARL	Y DRO	wn. su	BJECT	WAS TA	KEN TO AI	טם	PONT
SPITAL FOR		 		<u> </u>							
4-372 Sector 12	New Cas	tle LiYes	XNo	4-F-14 Sent?			No.				
m Number Name		,- 		Victim	Intorm	ation	<u> </u>				
FISH	MAN, MARISS, Sex	Race			Ethnic			Age 1	0.0.B. 12/30/2000	-	
dividual ress	Female	White	Resident S	tatus Home Telephon		Hispanic imployer/School	у	L *	1 12/30/2900	We	xk Telephone
20 COACHMA PRREY PARK Ilmington, DE 19			Full Ti	me (302) 478-5	671					<u> </u>	
orting Person / Victin	n Injured? Victir	n Deceased? 'es D(No	Officer Com	ments							,
ries nconsciousness		Description	on of injuries		-						
nt/Guerdian Informat OCHELLE FISH	LMAN .	_		arent Telephone							
me Address as Y	AUMI		(_	rimes and Ass	sociatec	l Informa	tion				
im Number Crime Sec	Statute		Crime Des	cription ty lojured Subjec	t No Spe	cific Crime	Associat				
cation Type Residence/Home		Status	Clear 08/	· ·	Involve			General (Offense		······································
Uspected Hate/Bies	Crime Code 8191 - Caşual							<u> </u>			
urgiary force involved Oyes OND	OTAL - CHANKI	- Ar Tall ar CO.									·
CLITES UND	_			Witness	Inform	nation					
quence Type		Name	CAUST C				Sex Female	Race Wh		Ag a 61	0.0.8 03/29/1941
O1 Person C		LONG	ع باللالد	Home Telephone	Employer	/School	remaie	3 77 11	ite	0,1	Work Telephone
220 COACHMA URREY PARK Umington, DE 19				(302) 478-5671							<u> </u>
quence Type D2 Person C		Name FISH	MAN. AL	EXANDRA SOSI	HNA		Sex Female	Race Wh:	ite	Age 8	D.O.S. 12/21/1993
dress 220 COACHMA		<u> </u>		Home Telephone (302) 478-5671	Employer	/School				-	Work Telephone
URREY PARK Vilmington, DE 19	9803]		,				<u></u> _
rent/Guardian Informet OCHELLE FISH amé Address as V	MAN		P	grent Telephone							
quence Type		Name	MAN 41	METH M			Sex	Race		Age	0.0.8.
03 Person C		FISH	MA, 1, 5A	MEUL M	Employel	/School	Female	Wh	lie	4	Wark Telephone
220 COACHMA URREY PARK Vilmington, DE 19		<u> </u>		(302) 478-5671							
rent/Guardian Informat OCHELLE FISE	ion LMAN		P	arent Telephone							
quence Type		Name	A I A Prese	DEA CARCIA	 .		Sen	Race		Age	D.O B.
04 Person C	ontacted	ZAVA	MA, IER	Home Telephone	Employer		Female		116	38	04/23/1964 Work Telephone
OT OBTAINED					SELF	EMPLOYE	D - NAN	INY			
		Name E104	MAN PO	CUELLE			Sex	Race		Age	D.O.B.
quence Type	mian.d	L 12 H	MAN, KU	CHELLE Hame Telephone	Employer	/School	Female	Wh	11E	36	Work Telephone
quence Type 05 Not Inter		<u> </u>		(302) 478-5671	1						
OSCIPLIA PROPERTY OF A PARK VIlmington, DE 19	N			(302) 478-5671	<u> </u>						
duence Type 05 Not Inter- larest COACHMA	N 9803	Name OX, I	DEBORAL				Sex Female	Race Wh	ite	39	D.O.B. 11/30/1962

P 300:	Report Date:		Agency: Name Castle	County PD		Co	32-02-88699	9	
2	08/	30/2002	1		Information				
000 Copti Sednetice	nued								Work Telephone
Address				Home Telephone	Employer/School			l	
NOT OB	TAINED							<u> </u>	
FL	Туре	7	Vame			Ser Male	Race	Age 4	0.0.8. 10/21/1997
Sequence 007	Person Contact	ed	FISHMAN, HA	Home Telaphone	Employer/School		<u></u>		Work Telephone
SURREY	ACHMAN (PARK			(302) 478-5671	<u> </u>				
Parent/Guar	ton, DE 19803 dian information LLE FISHMAN idress as Witness		P	arent Telephone	}				
Sequence			Name	CONTAINS		Sex Female	Race White	76° 24	02/16/1978
Address 14 DUN APT 4R	Person Contact HAM PL		LUCAS, ALLI	Home Telephone (917) 282-5631	Employer/School				Work Telephone
	LYN.NY 11211		Name			Sea	Race	Age 87	0.0.e. 11/12/1914
Sequence 009	Person Contac		LONGWILL,		Employer/School	Female	White	87	Work Telephone
4638 LI ENCINC	BBIT AVE 0, CA 91436	, .		Hame Telephone	Employers serios				<u> </u>
Sequence 011	Type Parent		FISHMAN, RO	CHELLE		Sex Unknown	Race	Age	D.O.B.
Address 3220 CC SURRE	DACHMAN RD Y PARK Iton, DE 19803		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Home Telephone	Employer/School			· — :—	Work Telephone
Sequence 912	Type Parent		PISHMAN, RO	OCHELLE		5ex Unknown	Race	Age	0.0.B.
Address 3220 Ct SURRE	OACHMAN Y PARK Pton. DE 19803			Home Telephone	Employer/School				Work Telephon≜
Sequence 013	Type Parent		Name FISHMAN, RO	OCHELLE		Sex Unknows	Race	Age	0.0.B
Address 3220 CO SURRE	OACHMAN Y PARK gtps. DE 19803			Home Telephone	Employer/School				Work Telephone
Sequence 014	Type Parent		Name FISHMAN, RO	OCHELLE	<u></u>	Sex Unknows	Race	Age	0.0,0
Address 3220 CC SURRE	DACHMAN Y PARK gton, DE 19803			Home Telephone	Employer/School				Work Telephone

Investigative Narrative

WRITER RESPONDED TO 3220 COACHMAN RD, SURREY PARK, WILMINGTON REFERENCE A DROWNING IN PROGRESS. COUNTY DISPATCH ADVISED THAT A BABY WAS PULLED FROM A POOL, AND THE BABY WAS NOT BREATHING. COUNTY DISPATCH ADVISED THAT THE CALLER WAS UPSET AND NOT LISTENING TO CPR INSTRUCTIONS.

UPON ARRIVAL, WRITER OBSERVED AN AMBULANCE LEAVE THE RESIDENCE. DISPATCH ADVISED THAT THE VICTIM WAS BEING TRANSPORTED TO THE HOSPITAL FOR TREATMENT.

WRITER NOTICED SEVERAL FAMILY MEMBERS PRESENT AT THE RESIDENCE. WRITER CONTACTED BARBARA LONGWILL AND ALEXANDRA FISHMAN. WRITER OBTAINED A BRIEF STATEMENT FROM THEM. BOTH SUBJECTS ADVISED THAT THEY OBSERVED MARISSA FISHMAN WF 1 FLOATING ON HER STOMACH IN THE SHALLOW END OF THE POOL. MARISSA WAS PULLED FROM THEPOOL AND CPR WAS ATTEMPTED. THEY ADVISED THAT MARISSA MUST HAVE WALKED THROUGH THE OPEN SLIDING GLASS DOOR THAT WAS LEFT OPEN BY CONSTRUCTION WORKERS WORKING ON THE RESIDENCE. SGT BECKER ARRIVED ON SCENE RIGHT AFTER WRITER. SGT BECKER CONTACTED SOME FAMILY MEMBERS AND CONSTRUCTION WORKERS, AND OBTAINED A BRIEF STATEMENT FROM THEM.

FAMILY MEMBERS PRESENT WERE: DEBORAH FOX. HARRISON FISHMAN, ALLISON LUCAS, HELEN LONGWILL, BARBARA LONGWILL, ALEXANDRA FISHMAN, SAMUEL FISHMAN, AND THE FAMILY NANNY TERESA ZAVALA. WRITER WAS ADVISED THAT ROCHELLE FISHMAN RESPONDED TO AI DUPONT HOSPITAL WITH MARIESA FISHMAN.

SGT BECKER ADVISED WRITER TO SECURE THE SCENE. THE SCENE CONSISTED OF A LARGE INDOOR POOL THAT WAS ATTACHED TO THE RESIDENCE. WRITER OBSERVED A SLIDING GLASS DOOR THAT SEPARATED THE

Reporting Officer	Supervisor Approval
OF C SCHEOSSER - 2436 2	ANTHONY W SCELSI OJNCAWS Date 08/38/2002 1649

Pegs: 3 Report Date: 08/30/2002 New Castle County PD Complaint: 32-02-086999

Investigative Narrative - Continued

INFORMAL DINING ROOM AREA TO THE POOL ROOM.

SGT MCGOWAN, DET TRALA, AND DET BELL ARRIVED ON-SCENE. REFER TO THEIR SUPPLEMENT FOR DETAILS ON INTERVIEWS. EDU OFFICER MURPHY THEN ARRIVED ON SCENE REFERENCE COLLECTION OF EVIDENCE. OFC SANTOS THEN RESPONDED ON-SCENE REFERENCE TRANSLATION FOR THE CONSTRUCTION WORKERS. SGT BECKER ADVISED OFC ALREE AND OFF COTE TO RESPOND TO AI DUPONT HOSPITAL TO STANDBY WITH VICTIM.

DET MALONE RESPONDED TO AI DUPONT HOSPITAL REFERENCE INERVEIW WITH VICTIM'S MOTHER AND CHECKING ON CONDITION OF VICTIM. AS ALL THE INTERVIEWS AND EVIDENCE WORK WERE COMPLETE, WRITER WAS RELIEVED OF HIS DUTIES. WRITER WAS UNAWARE OF THE VICTIM'S STATUS AT THE HOSPITAL. REFER TO CIU SUPPLEMENTS FOR DETAILS.

OFC SCHLOSSER Detective Notified	- 2458 2	Supervisor Approval ANTHONY W SC	CELSI OJNCAWS Date 08/30	/2002 1649	
Solvebinly Factors		M. D. Subpact Osseribed	☐ Trace Stolen Property ☐ Suspect Identified	Suspect Named Suspect Yehicle Identified	Status Has Follow Un

Filed 04/28/2006 Page 4 of 8

Page:

Supplemental Report - #1

	currence Dates a /30/2002 10				Grid 114-372	Sector 12				
Original Loc 3220 — C		N RD SURRE	Y PARK V	Vilmington, DE Orig		im Informatio	on			
Victim Num	hber Name FISHM	IAN, MARISS							-	·
_{ype} Individu		Sex Female	Race White			Ethnic Origin Non-Hispanic		Age 1	D.O B. 12/30/2090	
SURRE	OACHMAN Y PARK gton, DE 198	303	<u></u>		me Telephone (02) 478-56	71 Employer/Sch	ngol			Nor- Tel ephone
	XNo X Ye		res XNo		·				···— -	· - <u>-</u> -
_				Original Cri	me and A	Associated Inf	ormation	1		
ictim Num 101	ober Crime Seq 001	Statute	Ţ	Crime Description Casualty Injure	d Subject l	No Specific Crim	e Associate	d		
Location Reside	Type nce/Home		Status Service Cl	ear 08/30/2002		Involvement Alcohol Dru	gs 🗆 Comput	General Offe ter	ense	
Suspected ☐ Yes	: Hate/Bias 【▼No - N/A	Crime Code 8191 - Casual	ty/Injured Su	bject						
Burglary F	orce involved							_ _	· ·	
				1	Witness I	nformation				
equence 104	Type Person Co	ntacted	Name ZAVAI.	A, TERESA GA	ARCIA		Sex Female	Race White	Age 38	04/23/1964
ddress	BTAINED			Home re		Employer/School SELF EMPLOY	ED - NANI	NY		Work Telephone
equence 010	Type Person Co.	ntacted	Plame BRITO-	ORTIZ, SALV	ADOR NM	 N	Sex Male	Race White	Age 37	G.O.B. 04/11/1965
	AN BUREN NGTON, DE			Home Tel (302) 6	ерноле 54-1984	Employer/School	_ 			Work Telephone

Investigative Narrative

Writer responded to 3220 Coachman Road, Surrey Park, Wilmington, DE 19803 reference assist in injured subject complaint. Upon arrival, writer contacted Detective Trala, and ascertained that Salvador Brito-Ortiz, PC1, and Teresa Zavala, W1, need to be interviewed about the injured subject incident. Writer advises that both PC1 and W1 did not speak fluent English and required a Spanish translator to obtain their statements. Writer interviewed W1 and PC1 separately and documented their statements.

Writer forwarded a copy of this report to CIU at this time.

Statement of Witness 004 - TERESA GARCIA ZAVALA

Teresa Zavala, W1, advised that she and Marissa Fishman, V1, were asleep in her bedroom when they awoke around 0700 hours. W1 advised that she and V1 responded to the kitchen and joined the rest of the family for breakfast. W1 advised that around 0900 hours, she started cleaning the bathroom and bedroom areas of 'Rochelle' and 'Barbara' and heard the children talking in the kitchen area. W1 advised that she assumed that all the children were being watched and continued cleaning around the house. W1 advised that she responded to the kitchen area and was asked by Barbara, '...where is Marissa?', at which time she stated she did not know. W1 advised that she and Rochelle started calling Marissa's name aloud at which time she suddenly heard Alexandra scream, '...here is Marissa...', as she pointed to the pool area. W1 advised that she immediately observed the sliding glass door from the kitchen area to the indoor pool area to be open. W1 advised that she observed Rochelle start to run toward the pool area and she quickly followed.

W1 advised that as she entered the pool area she observed Marissa, motionless, floating face down in the pool. W1 advised that she then observed two subjects standing on the edge of the pool. W1 advised that she 'froze' and just stared at Marissa floating in the pool as Rochelle

	
Reporting Officer	Supervisor Approval
PFC SANTOS - 2426	ROBERT C BECKER OJNCRCB Date 08/30/2002 1730
	·

Page: 2 Report Date as e 1:05-cv-0021 1-MPT Document 86-5 Filed 04/28/2006 Page 5 of 8 32-02-086999

Statement of ...tness 004 - TERESA GARCIA ZAVA. ... - Continued pushed the hispanic male subject to the side and dove into the pool towards Marissa.

W1 advised that she observed Rochelle grab Marissa from the pool as she yelled at the two subjects, '...why didn't you move...'. W1 advised that Rochelle handed Marissa to her at which time Rochelle started to push on the stomach of Marissa. W1 advised that she observed water exit the mouth of Marissa. W1 advised that the skin color of Marissa was light blue and she had been wearing her pajamas. W1 advised that she placed Marissa on the carpeted floor near the kitchen table as Rochelle continued to push on Marissa's stomach and Barbara started blow air into Marissa's mouth. W1 advised that she observed Marissa cough once. W1 advised that the two subjects seen in the pool area were one white male subject and one hispanic male subject. W1 advised that she had seen these subjecte moving one circular table and three chairs from the exterior patio area to the pool area through the unsecured door area. Wadvised that the door between the kitchen area and the pool area is always closed when the children area in the house and the Marissa is incapableto opening the door by herself. W1 advised that she believes that one of these two subjects had left the door open while they were moving the furniture.

Statement of Witness 010 - SALVADOR NMN BRITO-ORTIZ

Salvador Brito-Ortiz, PC1, advised that he had been working on the outdoor patio area with his boss, the other white male subject. PC1 advised that he had been working on the masonry on the patio and did observe numerous children playing inside theresidence near the kitchen area.

Reporting Officer PFC SANTOS	- 2426	Supervisor Approval ROBERT C BE	CKER OJNCRCB Date 0	8/30/2002 1730	
Solvability Factors	□Witne≤s	C.M. O.	☐ Trace Stolen Property	☐ Suspect Named	Status
	☐ Suspect Located	☐ Sur. pect Described	☐ Suspect Identified	☐ Suspect Vehicle Described	Has Follow Up

Page: 1 Report Date: Seport Date: Case 1:05-cv-00211-MPT Document 86-5 Filed 04/28/2006 Page 6 of 8 New Castle County PD Seport Date: Castle County PD

Supplemental Report - #2

Original Occurred FRJ 08/30/						Grid 114-372	Sec 12	or			
Original Location		RD SUF	REY P.	ARK	-Wilmington ₋ I				·		
					Or	riginal Victi	m Ir	formation			_
Victim Number 001		AN, MAE	RISSA_								
_{Type} Individual		Sex Female		ace White				Origin - Hispanic	Age 1	b.o.e. 12/30/2000	
Address 3220 COAC SURREY P. Wilmington	ARK			-	Full Time	Home Telephone (302) 478-567	1	Employer/School			Work Telephone
Reporting Persor ☐ Yes (XN)	n? Victim	Injured?	Victim De □Yes	eased? [X No	Officer Comments						
					Original (Crime and A	ssoc	iated Inform	ation		_
Victim Number 0	Crime Seq :	Statute			Crime Description Casualty Inj		o Sp	cific Crime Asso	ociated		
Residence/	Home			tatus Service	Clear 08/30/20	02		ement cohol [] Drugs []		l Offense	
Suspected Hate		Crime Code 8191 - Ca	sualty/I	njured S	Subject						
Burglary Force					·· - -	· - 	_	-	. —		

Investigative Narrative

Writer responded to the above location on the above date and time reference to a drowning. Prior to arrival writer ascerstained the ambulance was transporting the victim to A.I. Hospital. Writer turned around and followed the ambulance to AI DupontHospital where writer stayed with V1 until writer was released by Det. C. Malone.

Reporting Officer OFF, COTE - 263	36	Supervisor Approval CURTIS M CLH	TON OJNCCMC Dat	te 08/30/2002 1700	
Solvability Factors	□ Witness □ Suspect Located	□ M. O. □ Suspect Described	☐ Trace Stolen Property ☐ Suspect Identified	☐ Suspect Named ☐ Suspect Vehicle Described	Status

Report Date as 2 1:05-cv 400211-MPT Document 86-5 Filed 04/28/2006 Page 7 of 8 08/30/2002 Page 7 of 8

Supplemental Report - #3

1				
Original Occurrence Dates and Times: FRI 08/30/2002 1013	Grid 114-372	Sector 12		
Original Location: 3220—COACHMAN RD-SURREY PARK—	Wilmington, DE 19803			
	Original Vic	tim Information		
Victim Number Name FISHMAN, MARISSA				
Type Sex Race Individual Female White		Ethnic Origin Non-Hispanic		D.B. 2/30/2000
Address 3220 COACHMAN RD SURREY PARK Wilmington, DE 19803	Resident Status Home Telephone (302) 478-56			Work 16/ephone
Reporting Person? Victim Injured? Victim Deceased? ☐ Yes 【 No ☐ Yes 【 You	Officer Comments			
	Original Crime and	Associated Informat	ion	
Victim Number Crime Seq Statute 001 Statute	Crime Description Casualty Injured Subject	No Specific Crime Assoc	iated	
Location Type Status Residence/Home Service	Clear 08/30/2002	Involvement Alcohol Drugs Co	General Offens	e
Suspected Hate/Bias Crime Code	Subject		<u></u>	
Burglary Force lavelved				
	Witness	Information		
Sequence Type Name Name MAG	NER, JOHN EDWARD	Sex Mal	e Race White	4ge 0 0 B. 64 08/24/1938
Address 2006 BAYNARD BLVD WILMINGTON, DE 19802	Home Telephone (302) 229-9664	Employer/School		Wark Telephone

Investigative Narrative

On stated date at 1015 hrs writer responded to 3220 Coachman Rd (Surrey Park) reference to a drowning. Prior to arrival writer ascertained Talleyville Fire Company was transporting Marisa Fishman (VI) to A.I. DuPont Hospital for further treatment sotherefore writer began to follow the ambulance. At Foulk Rd and Shipley Rd Talleyville Fire Company picked up New Castle County Paramedic Unit #8 who also began to provide treatment. After arriving at the hospital writer contacted Ken Getty (Talleyville Fire Company) who provided writer with the Marisa's clothes. The clothes were tot writer on today's date @ 1030 hrs.

While at the hospital, Rochelle Fishman (V1's mother) arrived and writer began a brief interview. Rochelle stated towriter that at approximately 1000 hours she responded to her bedroom to brush her teeth and then responded back out into the living area. Rochelle had a weird feeling and then realized Marisa was missing so therefore began to look for her. At this point Alexandra (Marisa's sister) located Marisa in the swimming pool floating face down and on the top of the pool. Rochelle then dove into the pool and pulled Marisa out of the water and her and her sister, Deborah Longwill-Fox, began CPR. Rochelle further stated that upon pulling out Marisa from the pool she was blue and after CPR was begun Marisa began to gain color in her hands. Rochelle further stated that there were workers at the residence who left the door open to the pool.

While at the hospital writer also contacted John Magner who stated he was working on Rochelle's residence (110 Kelly Dr. Chadds Ford, Pa) when he received a phone call from an unknown person stating Marisa fell into the pool. John then responded to the Surrey Park address and then to A.I. DuPont Hospital.

Dr. Palmer treated Marisa while she was in the Emergency Department and Dr.

Stryjeweski treated Marisa when she was transferred to the Pediatric ICU. See Marisa's medical records for details (#367612).

		·
Reporting Officer	Supervisor Approval	
OFC ALFREE - 2555	ANTHONY W SCELSI OJNCAWS Date 08/30/2002 1654	
<u> </u>		

Report @ Sec. 1:05-cv-0@241, MPT astle County Phent 86-5 Filed 04/28/200@aint: 9239-899 8

Investigative Narrative - Continued

Marisa's clothes were tot'd Det. K. Murphy at 3220 Coachman Rd on today's date @ 1337 hours by writer. This case was tot Det. C. Malone.